

Law Offices

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Certified in Civil Trial Advocacy by the National Board of Trial Advocacy

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Dear Judge Breyer,

Thank you for the opportunity to apply for appointment to the steering committee in the above litigation.

The claims I have filed for consumers in Iowa and Michigan include both purchasers and lessees of the vehicles at issue. *Jamieson v. Volkswagen Group of America, Inc*, Case No. 4:15-cv-427 (S.D. of Iowa: filed 11/11/2015), *Nelson, et al v. Volkswagen Group of America, Inc.*, No. 2:2015cv14017 (E.D. Mich. filed November 16, 2015) It is for that group that I wish to serve on the steering committee. I believe I have the skills and personal characteristics necessary to add value to the steering committee, though I have never before applied to perform in such a role.

I have practiced law for nearly 50 years, both as a public official and in private practice. In both capacities, I have handled class actions and other complex litigation. Early in my career, I was an assistant attorney general for the State of Iowa. I served as liaison to private counsel for a number of nationwide class actions including Tetracycline, Ampicillin, plumbing fixtures, copper tubing and others. I did not participate in settlement negotiations but arranged for the distribution of funds to consumers and to agencies of state government. Among the criminal cases I prosecuted as lead counsel was one against dozens of tool dealers who went to the trouble of reprinting parts books with prices escalated between 10 and 25 percent based on their collusion. Another case involved the fixing of cattle prices by a meat packer. All criminal cases resulted in convictions.

In 1977, I was appointed United States Attorney for the Southern District of Iowa, only the second woman to serve in that capacity. While I served, I was also elected president of the Federal Executive Counsel and served on the Attorney General's Advisory Committee of the United States Attorneys and as a consultant to the Attorney General's Advocacy Institute.

After running unsuccessfully for governor of Iowa in 1982, I entered the private practice of law. I have been exclusively a plaintiff's trial lawyer since 1983 and have had my own law firm since 1991. I have handled hundreds of personal injury cases including products and medical malpractice. I also handle employment discrimination, fraud, and constitutional cases. I

have tried dozens of such cases to verdict in front of juries over the years. Several of the employment discrimination cases have been class actions, where I have served as lead counsel and trial counsel. In a racial harassment case against Alcoa, *Cooper, et al v. Aluminum Co. of America*, No. 3:95-cv-10074-REL (S.D. Iowa September 11, 1997), we pioneered many of the concepts now routinely used in such cases, including an in-facility quick response team designed to immediately resolve complaints of race discrimination; a committee of community leaders to review cases not resolved by the quick response team; and individual mediation of all damage claims. Recently, we brought a race discrimination case against a hospital which was also resolved by settlement which included the use of an African American community leader as the final arbiter of individual claims and empowered him to order job placement of those whose applications were rejected or the rehiring of those who were unlawfully fired. *Meeks, et al v. Allen Memorial Hospital Corp.*, LACV 114860 (Iowa Dist. Ct. filed December 16, 2010) I have handled several other class actions.

From 2000 to 2007, I served as co-lead counsel in the case of *Comes, et al v. Microsoft*, a consumer class action on behalf of Iowans who purchased computers equipped with Microsoft operating systems and software. Richard Hagstrom was my co-lead counsel. The case went to the Iowa Supreme Court three times. The first appeal from the granting of a motion to dismiss was the first appellate case in the nation which found that, despite the fact that Iowa was not a repealer state, Illinois Brick did not apply in Iowa and granted consumers the right to sue for antitrust violations. *Comes v. Microsoft Corp.*, 646 N.W.2d 440 (Iowa 2002) It went to trial on November 13, 2006 and was settled on February 14, 2007 after 3 months. The settlement was twice as much per capita as any other statewide class action against Microsoft and the only such settlement that included cash for consumers. The agreement also permitted people to apply for up to \$100.00 by Internet with no proof of purchase, a provision which has been frequently copied since in many other consumer class actions.

In 2004, I was asked to come into the Minnesota Microsoft case shortly before trial and with Co-counsel Mr. Hagstrom, I tried the case to a jury for almost 8 weeks at which time it, too, was settled for what was then the largest per capita amount. *Gordon v. Microsoft*, 2004 WL 4968046, Nos. 00-5994, 03-4162 (District Court of Minnesota July 2, 2004) I was also lead counsel for the class in the case of *Cohen v. Mid-American Energy*, a securities fraud action and I represented Iowa farmers in the Star Link class action for corn contaminated by GMOs. *Cohen v. Berkshire Hathaway, Inc.*, 2000 WL 35554611, No. CL 81833 (Iowa District Court September 27, 2000).

I am co-editor of a six-volume set of trial manuals published by West Publishing called Litigating Tort Cases. I have written chapters in books and articles on all aspects of trial. I have spoken across the country on similar topics. In 1992, I was elected the first woman president of the Association of Trial Lawyers America now known as the American Association of Justice. I am also an elected member of the Inner Circle of Advocates, the International Association of Trial Lawyers, the Iowa Academy of Trial Lawyers and Litigation Counsel of America, among others. I have received professional and community honors and awards and served as president or on the board of directors of several organizations both legal and charitable.

I bring decades of trial experience, along with specific expertise in fraud and class action cases and in all aspects of trial preparation. I am able and willing to devote the necessary time

and effort immediately to this litigation. I have demonstrated the ability to work cooperatively with both fellow plaintiffs' lawyers and with defense counsel. I have access to all resources necessary to successfully do so.

Because I have had no direct experience in MDL, I seek only a position on the steering committee. It is difficult to predict exactly what direction litigation will follow at the beginning, but, in general, when I file a law suit, I prepare to try it. It certainly seems, from publicly available materials that this case is one which should settle quickly, but it is impossible to say with certainty. My experience in the trial and settlement of cases will be helpful in processing this matter, whatever direction it follows.

I have appeared before the following judges who have knowledge of my experience and character:

The Honorable Mark C. Cady, Chief Judge of the Iowa Supreme Court, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, IA 50319; 515-281-3952; mark.cady@iowacourts.gov.

The Honorable Mark Bennett, United States District Judge for the Northern District of Iowa, PO Box 838, Sioux City, IA 51102-0838; 712-233-3909; mark_bennett@iand.uscourts.gov.

The Honorable James Gritzner, United States District Judge for the Southern District of Iowa, 123 East Walnut Street, Room 130, Des Moines, IA 50309; 515-284-6291; james_gritzner@iasd.uscourts.gov.

The Honorable Celeste Bremer, United States Magistrate Judge for the Southern District of Iowa, 123 East Walnut Street, Room 435, Des Moines, IA 50309; 515-284-6200; celeste_bremer@iasd.uscourts.gov.

The Honorable Arthur Gamble, Chief Judge, Polk County Courthouse, 500 Mulberry Street, Des Moines, IA 50309; 515-286-3853; Arthur.gamble@iowacourts.gov.

The Honorable Scott Rosenberg, Polk County Courthouse, 500 Mulberry Street, Des Moines, IA 50309; 515-286-3463; scott.rosenberg@iowacourts.gov.

I have not attempted to contact other lawyers or law firms, relying instead on closely associated lawyers and my own experience. If you have questions or concerns please feel free to contact me. I intend to be present at the case management conference on January 21, 2016.

Very truly yours,

/s/ Roxanne Barton Conlin